

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MAX REED, II,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No. 3:14-cv-00313-MMD-VPC

ORDER

**I. DISCUSSION**

On August 12, 2014, this Court entered a screening order permitting some of Plaintiff's fifteen (15) counts to proceed past screening. (Dkt. no. 9.) The Court stayed the case for ninety (90) days to give the parties an opportunity to attend mediation with a court-appointed mediator. (Dkt. nos. 9, 16.) The inmate early mediation conference is scheduled for October 21, 2014. (Dkt. no. 16.) On October 2, 2014, Plaintiff filed a motion for injunctive relief seeking immediate transfer to Northern Nevada Correctional Center ("NNCC"). (Dkt. no. 18.) On October 14, 2014, Defendants filed a motion for request for instructions as to whether they needed to respond to Plaintiff's motion for injunctive order. (Dkt. no. 19.)

In the motion for injunctive relief, Plaintiff alleges the following: Plaintiff is incarcerated at Ely State Prison ("ESP") but seeks an immediate transfer to NNCC because he cannot effectively litigate this case and others at ESP. (Dkt. no. 18 at 1.) Plaintiff does not have direct physical access to the ESP law library. (*Id.* at 2.) ESP uses the paging system where Plaintiff must use exact citations. (*Id.*) Plaintiff is being denied

1 legal assistance because the staff says that they cannot provide legal advice. (*Id.*)  
2 Plaintiff's litigation efforts are being impeded and frustrated because he cannot submit  
3 evidence in support of this motion and his motion for summary judgment. (*Id.* at 4.)  
4 Plaintiff wants this Court to transfer him to NNCC and to place him into general  
5 population. (*Id.* at 7, 9.)

6 Injunctive relief, whether temporary or permanent, is an "extraordinary remedy,  
7 never awarded as of right." *Winter v. Natural Res. Defense Council*, 555 U.S. 7, 24  
8 (2008). A plaintiff seeking a preliminary injunction must establish that he is likely to  
9 succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
10 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in  
11 the public interest." *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046,  
12 1052 (9th Cir. 2009) (*quoting Winter*, 555 U.S. at 20). Furthermore, under the Prison  
13 Litigation Reform Act ("PLRA"), preliminary injunctive relief must be "narrowly drawn,"  
14 must "extend no further than necessary to correct the harm," and must be "the least  
15 intrusive means necessary to correct the harm." 18 U.S.C. § 3626(a)(2).

16 The Court denies Plaintiff's motion for injunctive relief. Plaintiff cannot establish  
17 irreparable harm in this case. Plaintiff states that he needs to be transferred to NNCC in  
18 order to provide evidence for this motion and for his motion for summary judgment.<sup>1</sup> The  
19 Court notes that, pursuant to this Court's screening order, "no other pleadings or papers  
20 shall be filed in this case, and the parties shall not engage in any discovery" during the  
21 90-day stay. As such, Plaintiff has no reason to provide evidence to this Court at this  
22 time. The Court denies the motion for injunctive relief.

23 The Court grants Defendants' request for instruction. (Dkt. no. 19.) Defendants  
24 shall not respond to Plaintiff's motion for injunctive relief.

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27 <sup>1</sup>To the extent that Plaintiff is alleging that he cannot file a motion for summary  
28 judgment in another case, Plaintiff shall file a motion for relief in that other case.

